

JUN 23 2005

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION**

By: *[Signature]* **ANTHONY D. THOMAS, Clerk**  
Deputy Clerk

**TONY L. WARE, CEO and  
T. L. WARE BOTTLING CO., INC.,**

**Plaintiffs,**

**vs.**

**FLEETBOSTON FINANCIAL CORP.  
F/K/A BANKBOSTON CORP.**

**Defendant.**

**CIVIL ACTION FILE NUMBER:  
1: 05 - C V - 0 4 2 6 - M H S**

**DECLARATION OF:**

**TONY L. WARE, CEO**

**DECLARATION OF PLAINTIFF TONY L. WARE, CEO**

I **MICHAEL R. JOHNSON, Sr.**, Attorney for the Plaintiff **T.L. WARE BOTTLING COMPANY, INC.**, in the above-styled action in deposes, states and make the declarations pursuant to 28 U.S.C. § 1746 as follows:

1. That my name is **TONY L. WARE** and that I am over the age of the legal majority and is competent to make these declarations. I further state that all statements made in this declaration are made on my personal knowledge, information and belief. I am qualified as the Plaintiff to give this testimony to support all the Plaintiffs and attorneys in this civil action.

2. I am further giving this declaration under duress and by force of this Court having no jurisdiction over the subject matter of this case under the *Rocker-Feldmen* doctrine. In response to the Orders entered by this Court on May 26<sup>th</sup>, 2005 I object and protest any unlawful sanctions against me or against Mr. Johnson's law firm.

3. My past lawsuits has no relevance in this case and Judge Brogdon's final judgment granted me an injunction against the Defendant from bring up matters that has noting to do with matters already adjudicated by him. See, Final Judgment.

1 4. As stated by Mr. Johnson in his declarations to this Court, I believe that this  
2 Court has no authority to review Judge Brogdon's and Judge Baxter's final orders.  
3 According to the *Rooker-Feldman* doctrine the U.S. Supreme Court has said in  
4 *District of Columbia Court of Appeals v. Feldman*, 460 U.S. 462, 482, 103 S.Ct.  
5 1303, 1315, 75 L.Ed2d 206 (1983) that a United State District Court has no authority  
6 to review final judgments of a state court in judicial proceedings. Review of such  
7 judgments may be had only in the United States Supreme Court.

8 5. I would warn this Court, the FleetBostons and their attorneys that if any of  
9 the U.S. Court of Appeals or the United States Supreme Court reverse this Court on  
10 appeal what I believe to be Ex parte Orders entered by this Court on May 26<sup>th</sup>, 2005  
11 or by way of mandamus or in any other legal way available to me or any other law  
12 firms assisting me.

13 6. I have been advised by other attorneys upon hiring them in this case they  
14 will take all legal actions needed to redress the wrongs done to me and Mr. Johnson  
15 in this case.

16 7. I further inform this Court that I was never served with a copy of the Orders  
17 entered on May 26<sup>th</sup>, 2005. A copy of these orders was droop on the door step of a  
18 Medical Office next to Mr. Johnson's law firm. A office assistant of that Medical  
19 Office informed Mr. Johnson and then told me later that some man came by their  
20 office and droop a package on their step on or about June 2<sup>nd</sup>, 2005.

21 8. I later formed Mr. Johnson that I never receive a copy of these orders at my  
22 legal address. Mr. Johnson later gave me a copy of these Orders by the Court. I  
23 have a right to be heard and served in this action with all papers in this action  
24 because I am appearing pro se.

25 9. I believe that a miscarriage of justice is being done to me and Mr. Johnson  
by this Court. As Mr. Johnson averred in his Second Declarations to the Court,  
please consider the ramifications of a Judge acting without subject matter jurisdiction  
in this case as stated in the Plaintiffs' Revised Motion to Dismiss and Remand Case.  
Subject matter jurisdiction can never be waived or consented to by the parties and  
can be raised at any stage of the proceeding.

1 10. I hereby object to disclosure of my financial condition as ordered by the  
2 Court on May 26<sup>th</sup>, 2005 as it may exceeds the permissible scope of this Court  
3 subject matter jurisdiction. However, subject to such objection by me and without  
4 waiving the same, I comply with the Court's void Orders under duress and shows this  
5 Court the following:

6 A. I have an overdrawn Bank Account at this time with a  
7 balance of: -\$3.00 and a Saving Account of: \$15.00;

8 B. I do not own a home or any real estate;

9 C. I have a 1994 Dodge Spirit valued at about \$400.00;

10 D. I have more then \$3,200.00 in legal debts such as  
11 insurance and credit cards etc; and

12 E I have \$350.00 or more in medical bills.

13 ASSETS: Valued @ \$413.00 LIABILITIES: Valued @ \$3,550.00

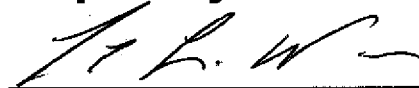
14 11. At this time my liabilities far exceeds my assets. Therefore, I would not  
15 have any funds to pay any sanctions entered against. I believe that there are no legal  
16 bases to enter any sanctions against me or the Mr. Johnson in this action. Any  
17 sanctions entered against me would be wrong and an unjust by this Court.

18 12. That I am proceeding Pro Se in the above-styled civil action and as I have  
19 stated in my original affidavit of indigence filed in this case that because of my  
20 indigence and my poverty at this time, I am unable to pay any Sanctions by this  
21 Court, any filing fees, court cost, copy fees and or any appeal cost in the above-  
22 styled civil action. I have not employed from December 7<sup>th</sup>, 2004 to present.

23 I TONY L. WARE, CEO the Plaintiff declare under penalty of perjury that the  
24 foregoing is true and correct.

25 This 23<sup>rd</sup> day of June, 2005.

Respectfully Submitted,



TONY L. WARE, CEO, Plaintiff

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